

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ED HENRY LODYDE

RECEIVED

(Enter above the full name of the plaintiff
or plaintiffs in this action.)

OCT 25 2013

vs.

CLERK, U.S. DIST. COURT
WESTERN DIST. OF TENN

MIDDLE TENNESSEE MENTAL HEALTH
INSTITUTE, DAVID RYKER,
DIRECTOR, TECH. CHARLES, TECH. FISHER

(Enter above the full name of the defendant
or defendants in this action.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C., §1983

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (e) _____
B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs:

N/A

N/A

Defendants:

N/A

N/A

2. Court (if federal court, name the district; if state court, name the county).

N/A

3. Docket Number: N/A

4. Name of judge to whom case was assigned: N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

Bruce has the original Copy

II. Place of Present Confinement: Shelby County Jail, 201 Poplar Ave.
A. Is there a prisoner grievance procedure in the institution?

Yes No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
Yes No

C. If your answer is Yes:

1. What steps did you take? I filed a "Concern" with Middle Tennessee Mental Institute on 4-8-2013.

2. What was the result? There was no response or answer from the MTMHI on my "Concern".

D. If your answer is No, explain why not: N/A

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff Ed Henry Loyde

Address Shelby County Jail, 201 Poplar Ave., Memphis, TN 38103

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his and his place of employment in the third blank. Use Item C for the names, positions, and places of employment of an additional defendants.)

B. Defendant David Ryker is employed as
Director of Middle Tennessee Mental Health Institute.
at 221 Stewarts Ferry Pike, Nashville, TN 37214

C. Additional Defendants: Middle Tennessee Mental Health Institute; Tech. Charles and Tech. Fisher

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.

On March 18, 2013, I was transferred from the Shelby County Jail, 201 Poplar Ave., Memphis, TN 38103 to the Middle Tennessee Mental Health Institute, 221 Stewarts Ferry Pike, Nashville, TN 37214, for a Court Ordered Mental Evaluation.

On March 30, 2013, at appx. 12:30 p.m. a fellow patient named Thomas Johnson began to verbally threaten me with physical violence. I then informed Techs Charles and Fisher about the situation and Thomas Johnson's threats of physical violence towards me. (See attachments.)

Immediately thereafter, Thomas Johnson started the act of physically assaulting me by knocking me to the floor causing my head to hit the floor very hard. Thomas Johnson then got on top of me and bit me repeatedly on my hand breaking the skin and causing my hand to bleed in great pain. At that point, the techs removed Thomas Johnson from the area.

Thereafter, I was taken to the medical ward where Nurse Mary treated my badly bitten hand, then She told me that I would have to take a lot of pills because Thomas Johnson has full blown Aids and the pills would help reduce the chance of me getting Aids as well.

The Staff at Middle Tennessee Mental Health Institute knew that Thomas Johnson was a very violent patient who had full blown Aids. Yet, the Staff did nothing to protect me from this Physical assault by Thomas Johnson and the possibility of being infected with the Aids virus by him. Even though I informed the Staff that Thomas Johnson was threatening me with physical violence before the aforesaid assault.

CLAIM ONE

THE DEFENDANTS VIOLATED THE PLAINTIFF'S
EIGHTH AMENDMENT CONSTITUTIONAL RIGHT
BY FAILING TO PROVIDE A SAFE AND SECURE
ENVIRMENT

Specifically, the Defendants accepted the custody and control of the Plaintiff pursuant to an Order from the Shelby County Criminal Court. Therefore, the Defendants owed the Plaintiff a duty to provide him a safe and secure place of confinement.

The Defendants failed to provide the Plaintiff such safe and secure place of confinement on March 30, 2013, by causing him to be confined in an area with Thomas Johnson who the Defendants knew was a mentally unstable violent patient. The Defendants failed to take the appropriate actions to prevent a physical assault upon the Plaintiff by Thomas Johnson, even after being informed by the Plaintiff that Thomas Johnson had just made threats of physical violence towards him.

The Defendants failed to properly train and supervise its staff on the appropriate actions to take to prevent

a pre-warned imminent physical assault by a known mentally unstable physically violent patient, and to ensure that those actions were immediately taken.

CLAIM TWO

THE DEFENDANTS VIOLATED THE PLAINTIFF'S FOURTEENTH AMENDMENT RIGHT BY DELIBERATE INDIFFERENCE TOWARDS THE FORSEEABLE RISK TO THE PLAINTIFF'S HEALTH AND SECURITY

Specifically, on March 30, 2013, the Defendants knew that Thomas Johnson was a mentally unstable physically violent patient who also had full blown Aids, and that if Thomas Johnson's blood or bodily fluids were to come into contact with another patient's, then the other patient would be at high risk of being infected with the Hiv virus and possible Aids.

Yet, notwithstanding such knowledge, the Defendants caused or created an environment that resulted in the Plaintiff being confined in an environment with Thomas Johnson without adequate security and no warning to

the Plaintiff as to the risks posed by Thomas Johnson. Also, the Defendants failed to prevent a pre-warned and foreseeable violent physical assault upon the Plaintiff by Thomas Johnson and the possible HIV infection and AIDS transmission to the Plaintiff from Thomas Johnson.

The Defendant's failed to properly train and supervise its staff as to the foreseeable high risk posed by a mentally unstable physically violent patient with AIDS, and to ensure appropriate security measures were in place and carried out to prevent violent physical assaults and the spread of HIV/AIDS.

ALL CLAIMS ENDS

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.

Cite no cases or statutes.

I very respectfully request that the Defendants be required to pay me damages in the amount of \$ 9,000,000.00

VI. Jury Demand

I would like to have my case tried by a jury. Yes No

I (We) hereby certify under penalty of perjury that the above complaint is true to the best of our information, knowledge, and belief.

Signed this 16 day of October, 2013.

Ed Henry Tope

(Signature of Plaintiff/Plaintiffs)